IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3893 OF 2001

Union of India & Ors. .....Petitioners.

V/s.

Shri.K. Parameswaran & Anr. .... Respondents.

Shri.Y.S. Bhate for petitioners.
Shri.S.D. Dharmadhikari for respondents.

ALONGWITH

WRIT PETITION NO.3882 OF 2001

Union of India & Ors. .....Petitioners.

V/s.

Smt.Gurdeep Kaur Nayar .... Respondent.

Shri.Y.S. Bhate for petitioners.
Shri.S.D. Dharmadhikari for respondent.

ALONGWITH

WRIT PETITION NO.3883 OF 2001

Union of India & Ors. .....Petitioners.

V/s.

Shri.A. Madaswamy(Since deceased the legal heirs)
Smt. Geeta Swamy & ors.
.... Respondents.

Shri.Y.S. Bhate for petitioners.
Shri.S.P. Saxena with A.S. Rao for respondents.

ALONGWITH

WRIT PETITION NO.3887 OF 2001

Union of India & Ors. .....Petitioners.

V/s.

Shri.B.G. Krishnamurty .... Respondent.

Shri.Y.S. Bhate for petitioners.
Shri.S.C. Dharmadhikari for respondent.

ALONGWITH

WRIT PETITION NO.6522 OF 2005

Shri.V.G.Datar & Ors. .....Petitioners.

V/s.

Union of India & Ors. .... Respondents.

Shri.S.P. Saxena with A.S. Rao for petitioners.
Shri.Y.S. Bhate for respondents.

CORAM : V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATED : 18/07/06

P.C:-

1. First four petitions are identical in nature whereby order passed by Central Administrative Tribunal on the Original Applications before it are impugned. In W.P.6522/05, certain other reliefs floated out by the order passed by Central

Administrative Tribunal and impugned in the other petitions are claimed. In so far as writ petition 6522/05 is concerned, these are fresh claims sought to be made by petitioners on the basis of order of Central Administrative Tribunal, which is under challenge in other petitions. Proper remedy for the petitioners in the circumstances, is to file O.A. before the Tribunal to claim these reliefs. Petitioners are at liberty to do so. Writ Petition No.6522/05 is disposed of.

2 In so far as other petitions are concerned, contention of the Union of India is that the employees though factually have worked in higher position were not entitled to higher scale because they did not fulfil required recruitment rules to be entitled to that pay-scale. Matter was taken to the Central Administrative Tribunal. Tribunal, on consideration of entire circumstances, found that though employees are not entitled to the Senior Time Scale which they claimed, they have factually worked for the post for long period are entitled to the difference in pay for they have factually worked in the higher post. It is this part of the Tribunal

order which is impugned in this petitions. It is not disputed that respondents herein factually have worked in the higher position and Tribunal has taken this factual aspect and ordered the payment of difference of pay scale for the period actually worked. Union of India has factually paid this amount earlier. In our opinion, there is no legal or jurisdictional error committed by the Tribunal in ordering payment for work done. Consequently, we see no reason to interfere with the order passed by Tribunal. Petitions filed by Union of India are, therefore, dismissed. It is also made clear that bank guarantees wherever given are discharged. Petitions are, accordingly disposed of.

(V.G. PALSHIKAR, J.)

(V.M. KANADE, J.)